

**BOARD OF REGISTERED NURSING**  
**Executive Officer's Report**

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**Agenda Item: 5.0**  
**Date: April 14, 2011**

**5.1 New Agency Secretary Appointed**

On March 22, 2011, Governor Jerry Brown announced the appointment of Anna Caballero as the secretary for the State and Consumer Services Agency. Ms. Caballero has a great deal of experience in the public, private, and non-profit sectors. She served in the Assembly, been the Executive Director of a non-profit organization, served as Mayor of Salinas and as a Salinas City Council member, and practiced law in both private practice and in a non-profit setting. She began her new position on Monday, March 28<sup>th</sup> and is currently familiarizing herself with DCA and the other departments under SCSA.

**5.2 Board's Budget Update**

Proposed General Fund Loan

The BRN received an updated fund condition from the department dated February 17, 2011 showing a proposed \$15,000,000 loan to the general fund in FY 2011/2012, to be repaid in FY 2013/2014. If the Board's reserve drops below the projected 1.2 months in FY 2011/2012, the proposed loan amount will be adjusted accordingly.

Current Year AG Budget

The BRN's request to augment the Attorney General line by \$2.6 million and the Office of Administrative Hearings line by \$288,000 is still under manager's review at the Department of Finance. The augmentation request has been approved by the Department of Finance, and the notification letter has been sent to the Joint Legislative Budget Committee (JLBC). The JLBC has a 30 day review period.

Out of State Travel Blanket

Pursuant to Section 0760 of the State Administrative Manual, the department is required to prepare an annual Out-of-State Travel (OST) Blanket requesting approval for all anticipated trips for FY 2011/12. The BRN submitted its OST requests to the department on April 4, 2011. No travel was approved for the BRN in FY 2010/2011, and only 5 trips were approved for the entire department.

**5.3 Department of Consumer Affairs (DCA) Updates**

Sandra Mayorga has re-joined the Office of Human Resources (OHR). Sandra is assisting as the Interim Assistant Personnel Officer with emphasis on the customer service initiatives. This interim assignment will include direct management and oversight for the Classification and Pay; Transactions; Health and Safety; and Selections Services and Recruitment units.

Sandra brings an extensive Personnel Management background expanding over 20 years in HR, 14 of which were here at DCA in various capacities. She served as an Associate Personnel Analyst in the Personnel Office, Client Service Team, Staff Services Manager, Division of Investigation, Assistant Personnel Officer, the Personnel Officer and most recently the HR, Chief at the Department of Insurance.

#### BRN Office Relocation Update

DCA Facilities Management Unit continues to work with board staff to finalize the details of the BRN's move. The building lease has been signed and a purchase request for the modular furniture has been submitted. DCA Facilities Management Unit is currently working with vendors to organize the construction on the interior of the building. Staff is also working with the Office of Information Services and DCA Purchasing units to ensure all equipment needs will be met at the new location. It is anticipated that the move will take place mid 2011.

#### Board Member Orientation

In accordance with Business and Professions Code Section 453, Board Members are required to attend DCA's Board Member Orientation within one year of their appointment. The next Board Member Orientation is set for June 1, 2011, in Southern California and again on October 12, 2011 at DCA Headquarters in Sacramento from 9:00 am to 4:30 pm. Please notify the Administration Unit if you would like to attend either of the orientations.

#### **5.4 Hiring Freeze Executive Order B-3-11/Freeze Exemption Request Budget Letter 11-04**

On February 15, 2011 the Governor's Office issued Executive Order B-3-11 regarding hiring restrictions to achieve necessary budget savings. The hiring restrictions includes all state agencies and departments and prohibits them from filling vacant positions regardless of the positions' funding source, except as provided in Executive order B-3-11. Specifically, appointments to state service, which includes new appointments, reinstatements, limited-term, temporary-authorization appointments, training and development assignments, retired-annuitant, seasonal employees, and permanent intermittent employee appointments would be restricted. On March 4, 2011, the Department of Finance provided guidance through Budget Letter 11-04 which addresses the exemption request process and provides instruction on submitting individual and group exemption requests. At this time, the board has 48 vacancies, 34 CPEI positions and 14 non-CEPI positions. The BRN continues to advertise positions in light of the freeze and is trying to fill positions using the allowed departmental promotion and transfer method. The BRN is also reviewing the workload to determine the need for submission of exemption requests for vacant positions.

#### **5.5 Fee Increase**

The BRN implemented the new renewal fees that took effect with the March 31, 2011 renewal cycle. In February 2011, the BRN was notified by the DCA Office of Information Services that the March and April renewal notices were mailed out with the incorrect fee listed. The notices incorrectly listed \$85 as the renewal fee instead of the new \$140 fee that had gone into effect in January 2011.

This issue occurred because of a programming error in the Department of Consumer Affairs (DCA) computer system that generates the renewal notices. The processing of renewal notices is a function provided by DCA to its various Boards and Bureaus, including the Board of Registered Nursing. The error was corrected in February; however, approximately 26,000 licensees received the incorrect renewal notice. At that time, the BRN requested that the notices be resent with a letter to the affected licensee's explaining the error and providing direction on submitting the remainder of the fee, which is \$55. A licensee who submitted the incorrect \$85 renewals fee was processed and sent an underpayment notice for the remaining \$55. The licensees renewing in March and April that paid online were charged the correct amount.

The BRN has worked with the DCA Central Cashiering Unit to prioritize the processing of the underpayment fees and the BRN's internal cashiering office has also been diligently processing renewal fees as quickly as possible.

The BRN has taken the following steps to notify our licensee's of the error that occurred and to correct it:

- In those cases where nurses have said they are unable to work or need license verification, the BRN has sent letters to employers to let them know the individuals' licenses are clear and may continue to work. We will continue to do this for the licensees until this issue has been resolved.
- DCA has made processing the additional renewal payments of the affected nurses as top priority so that the March and April renewals can be processed just as quickly as possible.
- DCA has corrected the programming error, and additional quality assurance measures have been taken to ensure all renewal notices are correct before being mailed.

Due to the high volume of phone calls and emails regarding this matter, the BRN staff is diligently working at responding to all inquires as soon as possible.

## **5.6 FBI fingerprint audit and findings**

On February 9, 2011, the BRN underwent a fingerprint process audit by the Federal Bureau of investigation (FBI). The purpose of the audit was to evaluate the BRN's compliance with policy requirements, associated with access to Criminal History Record Information (CHRI). The FBI conducted an on-site review process, which included an administrative interview, to assess whether procedures used by the BRN were compliant with policy, and a sampling of CHRI was requested and submitted to the FBI for review. The areas of review included: Authorized Use of CHRI, Dissemination of CHRI, Applicant Notification and Record Challenge, Applicant Identity Verification, and Fingerprint Chain of Custody. The BRN was found to be compliant in all areas.

## **5.7 New Contract with UCSF**

The BRN is currently working on a new 2-year contract with UCSF for Fiscal Years 2011 through 2013. Under the contract, UCSF will continue to complete the Annual School Survey and subsequent reports for the next two years, will complete the next scheduled biennial RN survey which will be sent out in 2012 and a subsequent report and forecasting report, and perform additional research projects. The additional projects planned at this time include an analysis of existing data related to diversity of California RNs to identify gaps in representation of racial/ethnic groups statewide and by region. Estimates of future diversity of the RN workforce will also be developed. Also planned in 2012-13 is a survey which will be sent to a sample of California RNs about their completion of advanced education, including possible barriers to pursuing additional education, knowledge about financial support and interest in advanced practice or faculty careers. The current contract with UCSF ends in June 2011.

## 5.8 Accreditation Forums

The Board of Registered Nursing has scheduled public forums to encourage and collect input regarding consideration of a proposed regional accreditation requirement for schools that provide or affiliate with prelicensure registered nursing education programs. These public forums are scheduled as follows:

- Tuesday, April 26, 2011 10:00-12:00 p.m.  
Fresno State Building  
Fresno, CA
- Tuesday, May 10, 2011 1:00-3:00 p.m.  
State of California Office Building  
San Diego, CA
- Tuesday, May 17, 2011 1:00-3:00 p.m.  
Ronald Reagan State Building  
Los Angeles, CA
- Tuesday, June 14, 2011 1:00-3:00 p.m.  
Department of Consumer Affairs,  
Hearing Room  
Sacramento, CA

For additional information, please see the public notice on the Board's website at [www.rn.ca.gov](http://www.rn.ca.gov)

## 5.9 Public Record Request

The BRN continues to comply with public record requests and responds within the required timeframes that are set in Government Code Section 6250. For the period of January 22, 2011 through April 1, 2011, the Board has received and processed 79 public record requests.

## 5.10 Board Member Correspondence

For the period of January 22, 2011 through April 4, 2011, the BRN received two letters addressed to Board Member(s). Both letters were related to disciplinary matters against registered nurses.

## 5.11 Personnel

The following personnel changes have transpired since the last Board Meeting:

New Hires	Classification	Board Program
Dennis Darrough	Program Technician II	Call Center

Promotion	Classification	Board Program
Bobbi Pierce	Staff Services Manager I	Licensing Program
Ronnie Whitaker	Staff Services Analyst	Decisions & Appeals
Laura Brann	Staff Services Analyst	Administration
Mario Zetter	Staff Services Analyst	Licensing Evaluation

Separations	Classification	Board Program
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Chanh Nguyen	Key Data Operator	Licensing Support
Kathlyne Tran	Key Data Operator	Licensing Support
Anneli Wong	Staff Services Analyst	Licensing Evaluation

## **BOARD OF REGISTERED NURSING**

### **Liaison Activities**

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February 3, 2011	Miyo Minato attended the Orange County-Long Beach Consortium meeting at Cypress College, attended by both representatives from nursing schools and clinical facilities in the area.
February, 2011	Leslie Moody scheduled and publicized public forums to obtain input regarding consideration of a regulatory requirement for accreditation of schools offering or affiliated with a prelicensure nursing program. Public forums will take place in four California locations during April, May and June.
February 13-16, 2011	Louise Bailey attended and participated in the Association of California Leaders Conference in Sacramento and gave a presentation on the activities of the BRN.
March 1, 2011	Louise Bailey participated in the California Institute for Nursing and Health Care Board meeting and gave an update on the activities of the BRN.
March 3-4, 2011	Louise Bailey, Miyo Minato, Janette Wackerly, Shelley Ward, Leslie Moody and Katie Daugherty attended the Spring Conference for the California Organization of Associate Degree Nursing (COADN) in San Diego. Louise also gave a presentation on the activities of the BRN.
March 8, 2011	Louise Bailey met with the Public Health Nursing Directors and gave a presentation on the activities of the BRN.
March 14, 2011	Jeannine Graves (Board President), Louise Bailey, EO and Stacie Berumen, Chief of Enforcement, testified before the Senate Business, Professions and Economic Committee, relative to the Sunset Review Hearing for the BRN.
March 22-23, 2011	Katie Daugherty attended the NCSBN Nursing Education Committee in Chicago.